

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Parkersburg		
Date: 4/24/2012	Case Number 6:10-cv-01256	
Case Style: Sawyer vs. Asbury		
Type of hearing Civil Jury Trial		
Before the honorable: 2513-Goodwin		
Court Reporter Teresa Harvey	Courtroom Deputy Robin Clark	
Attorney(s) for the Plaintiff or Government John H. Bryan		
Attorney(s) for the Defendant(s) Wendy E. Greve		
Law Clerk Meghan Monaghan	Probation Officer	
Trial Time		

Jury selection with trial commencing same day.
Jury Trial. Day No. 1

Non-Trial Time

Court Time

9:00 am to 10:25 am
1:00 pm to 2:10 pm
10:45 am to 12:00 pm
2:30 pm to 3:30 pm
4:00 pm to 5:00 pm
6:30 pm to 6:35 pm
Total Court Time: 5 Hours 55 Minutes Court actively conducting trial proceedings/Contested proceedings

3:30 pm to 3:55 pm
2:10 pm to 2:15 pm
Total Court Time: 0 Hours 30 Minutes Hearings on motions during trial

Courtroom Notes

Scheduled start time 9:00 a.m.
Actual start time 9:00 a.m.

Counsel for parties present
Voir Dire
Oath to Jury on Voir Dire administered
Jury Selection
Oath to the Jury to Try Issue administered
Preliminary Jury Instructions

JURY TRIAL (Day One)

Opening Statements by Plaintiff

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Opening Statements by Defendant
End time 10:25 a.m.

Start time 10:45 a.m.
Pltfs Witness 1: Brian Sawyer
Direct by Plaintiffs counsel
Pltfs Exhibit 1 (marked & admitted)
Pltfs Exhibit 2 (marked & admitted)
Pltfs Exhibit 9 (marked & admitted)
Pltfs Exhibit 3 (marked & admitted)
Pltfs Exhibit 4 (marked & admitted)
Pltfs Exhibit 8 (marked)
Pltfs Exhibit 5 (marked & admitted)
Cross by Defense counsel
Defts Exhibit 1 (marked & admitted)
Defts Exhibit 2 (marked)
Defts Exhibit 3 (marked)
Redirect by Plaintiffs counsel
End time 12:00 p.m.

Start time 1:00 p.m.

Pltfs Witness 2: Jim Asbury
Direct by Plaintiffs counsel
Cross by Defense counsel
Redirect by Plaintiffs counsel
Plaintiff rests
End time 2:10 p.m.

Start time 2:10 p.m.
Motion by Defendant to admit Defendants Exhibit 1; granted
Motion by Defendant for directed verdict; denied
End time 2:15 p.m.

Start time 2:30 p.m.
Defendant Witness 1: Larry Kerns
Direct by Defense counsel
Cross by Plaintiffs counsel
Redirect by Defense counsel
Defendant Witness 2: Lieutenant David Massey
Direct by Defense counsel
Cross by Plaintiffs counsel
Redirect by Defense counsel
Defendant rests
End time 3:30 p.m.

Start time 3:30 p.m.
Motion by Plaintiff to move for judgment as a matter of law on liability; under advisement.
End time 3:55 p.m.

Start time 4:00 p.m.
Review of final jury instructions and verdict form

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Closing arguments by Plaintiff
Closing arguments by Defendant
Rebuttal by Plaintiff
Final jury instructions
Jury Deliberations
End time 5:00 p.m.

Start time 6:30 p.m.
Verdict for the defendant
Verdict form to be filed.
Judgment will be entered in favor of the defendant
End time 6:35 p.m.